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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PHAM, BRENDA H	

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/844,002	BHATTAL ET AL.
	Examiner	Art Unit
	Brenda Pham	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12,13* is/are allowed.

6)☒ Claim(s) *1-5,8 and 11* is/are rejected.

7)☒ Claim(s) *6,7,9 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/27/2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 have been examined.

Claim Objections

2. Claim 2 recites "a first communication manager" and "a failure", respective, should be corrected to –the first communication manager—and –the failure--, respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOUGLAS et al (US 5,652,908) in view of BAHLS et al (US 5,887,168).

Claims 1, 8 and 11 **DOUGLAS et al** discloses a communication system and method of managing communications between a set of communication managers **(108' and 110')** and a remote communication manager **(130)**, the method comprising: starting a communication channel between a first communication manager **(108')** of the set and the remote communication manager **(130)** for transmitting data from a data storage repository **(102')** to the remote communication manager **(130)**, the data storage repository **(102')** being accessible by any one of the set of communication managers

(108', 110'); storing state information **(dynamic configuration data, column 5, line 39)** for the communication channel in a storage repository **(160, 162)** accessible by any one of the set of communication managers **(108', 110')**; in response to a failure which affects the first communication manager **(failure of 108' see figure 7)**, a second one of the set of communication managers **(110')** using the stored channel state information to start a new channel instance **(new session established w/ existing client, see figure 7)** and resuming transmission of data from the data storage repository **(102')** to the remote communication manager **(130)** via the new channel instance **(column 65, lines 29-49)**.

DOUGLAS et al does not expressly teach whether the data for transmitting to remote communication manager **(client 130)** is stored in the communication managers **(server 108', 110')** or in the data storage repository **(102')**.

BAHLS et al, in the same field of endeavor, teach a communication channel between a first communication manager **(system A)** of the set **(system A and system B)** and the remote communication manager **(client 102)** for transmitting data from a data storage repository **(114)** to the remote communication manager, the data storage repository **(114)** being accessible by any one of the set of communication managers **(system A, system B)**.

BAHLS et al teach a common data storage repository **(114)** is for store data for access exclusively by communication managers **(servers)** for processing and transmitting data to a remote communication manager **(client)**. This saves the data so

that it can be retrieved by a second system should the first system fail. Thus, the use of a common storage repository provides processing redundancy.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a common data storage repository (114), such as that taught by BAHLS et al, in DOUGLAS et al.

Claim 2, **DOUGLAS et al** teach a method according to claim 1, wherein the state information stored in said accessible repository includes an identification of the communication manager which has control of the channel, such that the channels controlled by a first communication manager can be identified following a failure which affects the first communication manager (column 4, lines 30-40).

{Control server 160 manages the network based upon configuration data stored in a data based 162. The configuration data consists of two major types of data. First, static configuration data contain a description of each hardware resource location to be controlled. It also contains the parameters necessary for accessing and controlling that resource and identifies primary and fallback access paths to that resource. The second type of data is dynamic configuration data describing the current configuration for controlling each resource. This data is maintained to assure that each resource is under the control of a console and for use by fallback processing routines to re-establish communications in the case of a failure.}

Claim 3, DOUGLAS et al further teach wherein the state information stored in said accessible repository includes the current status of the channel.

{The second type of data is dynamic configuration data describing the current configuration for controlling each resource, (column 4, lines 35-37)}

Claim 4, DOUGLAS et al teaches a method according to claim 1, wherein each communication manager in the set has stored thereon, or accessible therefrom, a definition of each active channel of the communications managers within the set.

{Control server 160 accesses the configuration database to determine the client console sessions impacted by failure of server 108'. The dynamic configuration data indicates all connected sessions and can be used by the fallback server 110' to re-establish those connections (column 5, lines 28-42)}

Claim 5, DOUGLAS et al teaches a method according to claim 4, wherein the method comprises: preventing a second instance of a communication channel from being started while a first instance of the channel is in active use by the first communication manager; in response to determining that the first communication channel instance has experienced a failure, starting a second instance of the channel using the channel definition and current channel state information; and transmitting data using the second channel instance.

{The failure of a server must be detectable by the resource under control 102' which then must have the ability to switch to a backup server. Upon

detection of server failure, resource 102' initiates control switch to backup server 110'. Server 110' recognizes the resource action an issues a fallback request to the control server 160 (column 5, line 31-36).}

Allowable Subject Matter

5. Claims 12 and 13 are allowed over prior art.

6. Claims 6, 7, 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest a method according to claim 1, wherein the set of communication managers are a set of queue managers in a queue-sharing group and the data storage repository accessible to any one of the set is a shared-access message queue from which any one of the set of queue managers can retrieve messages for transmission to remote queue managers recited in claim 6.

The prior art made of record further fails to teach a method according to claim 1, storing synchronization information for data transmission via said communication channel in a second storage repository accessible by any one of the set of communication managers; and in response to said failure, one of said set of communication manager's data transmissions to a consistent state using the stored synchronization information recited in claims 7, 9 and 10.

Claim 13, the prior art made of record further fails to teach in response to a channel start request from the remote communication manager following a failure which affects the first communication manager, starting a second instance of the channel between a second one of the set of communication managers and the remote communication manager via the new channel instance.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

November 12, 2004
Brenda Pham